

## **EXHIBIT B**

UNITED STATES OF AMERICA,	)	CR No. 07-594 PJH
	)	
Plaintiff,	)	DECLARATION OF
v.	)	JOSHUA CROSS
	)	
JEFFREY HARRISON,	)	
	)	
Defendant.	)	
	)	

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I, Joshua Cross, declare the following to be true under pain of perjury:

1. I am a Customs and Border Protection (CBP) Officer assigned to the San Francisco International Airport (SFO). I have served as a CBP Officer for 4 years. My duties include seizing of contraband and determining the admissibility of people to the United States and detecting and preventing terrorists and weapons of mass destruction from entering the United States, while facilitating the orderly flow of legitimate trade and travelers. I have received training and have experience in the enforcement of state, local and federal laws.
2. On July 1, 2007, I met Mr. Jeffrey Harrison in the secondary baggage inspection area at SFO. I had been asked by CBP Officer Sheryl Edwards to conduct an inspection of Mr. Harrison's belongings, including a laptop computer.
3. Before conducting a search of Mr. Harrison's laptop computer, I asked him if the laptop computer was his and he said that it was his computer. Mr. Harrison said that the laptop computer was used for personal and business matters. When asked if anyone else had access to his laptop computer, Mr. Harrison said that his son, Ashley Harrison; his son's roommate, Mark Thaler; and his business partner, Don Stern had access to the laptop computer. Mr. Harrison never advised me that his laptop computer contained attorney-client privileged matters. If he had, I would have asked a supervisor how to proceed.
4. I am familiar with Mr. Harrison's statement in his Declaration in which he said that Officer Edwards turned on his laptop computer; that she asked for his password; and that he refused to give Officer Edwards the password telling her that the computer contained privileged and confidential legal files that she could not search. I conducted the search of Mr. Harrison's laptop computer, not Officer Edwards. Officer Edwards was not present when I conducted this search; she had gone into the CBP office to search CD-Rs belonging to Mr. Harrison. In the course of the search, I asked Mr. Harrison to enter his own password on the computer, as I do with all computer searches, and he entered the password without incident or hesitation. I have no memory of Mr. Harrison ever making statements that the laptop computer contained attorney-client privileged materials and do not believe that he ever made these statements.

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5. When reviewing computer storage media, I review for image files – video and picture - not text files. In my review of Mr. Harrison's laptop computer, I discovered an image that appeared to be child pornography. After discovering this image, I informed Officer Edwards and she returned from the CBP office. After finding this image, Mr. Harrison said "if I'm going to get popped for that porno, can I call my wife?"

EXECUTED THIS 5<sup>th</sup> DAY OF MARCH 2008.



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OFFICER JOSHUA CROSS